



April 10, 2009

## Office of Procurement and Property Management

### Procurement Systems Division (PSD) – American Recovery and Reinvestment Act (ARRA)

#### ***Fact Sheet***

#### **Additional Information**

Please see the following page for a description of short- and long-term action items. Additionally, you can find summarized information on each of the FAR cases in the attachment to this fact sheet.

For general ARRA procurement questions or comments, contact Jennifer Wendel by phone (202) 690-1048 or email [JenniferI.Wendel@da.usda.gov](mailto:JenniferI.Wendel@da.usda.gov), or Jackie Kelly by phone (202) 690-0021 or email [JacquelineE.Kelly@da.usda.gov](mailto:JacquelineE.Kelly@da.usda.gov).

For procurement systems questions or comments, contact Ray Varner by phone (816) 823-2506 or email [Raymond.C.Varner@da.usda.gov](mailto:Raymond.C.Varner@da.usda.gov), or Annette Elliott by phone (202) 401-4032 or email [Annette.Elliott@da.usda.gov](mailto:Annette.Elliott@da.usda.gov).

#### **Background**

On February 17, 2009 President Obama signed Public Law 111-5, the American Recovery and Reinvestment Act (ARRA or Recovery Act). This law is an unprecedented effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21<sup>st</sup> century. On February 18, 2009 the Office of Management and Budget (OMB) Guidance M-09-10 was signed, entitled "Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009". The guidance has made it clear that every dollar spent under the Recovery Act is done with unprecedented levels of transparency and accountability.

On March 31, 2009 the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2005-32. In the FAC 2005-32, five Recovery Act FAR Cases; 2009-008, -009, -010, -011, -012 were published.

#### **Purpose**

The purpose of this fact sheet is to provide information to the United States Department of Agriculture (USDA) Integrated Acquisition System (IAS) procurement user community. In support of the President, Public Law, and OMB guidance, the Procurement Systems Division (PSD) has created a Recovery Act systems working group. PSD's focus is to identify impacts, implement appropriate reporting capabilities and provide oversight on all processes as they pertain to the USDA.

#### **FAR Cases**

*The PSD Recovery Act working group has summarized each of the five Recovery Act FAR Cases (in the attachment); however, these summaries are not in lieu of reading the case in its entirety for a better understanding of the specific requirements. Please read the FAR, located at the following website:*

<http://www.acquisition.gov/far/>

## Applying the Recovery Act FAR Cases to IAS – Fact Sheet Version 1

FAR Case Number	Description	New Clauses	How This FAR Case Translates Into IAS
2009-008	Buy American for construction materials using ARRA funds	52.225-21 52.225-22 52.225-23 52.225-24	<p><b>Funds Approvers:</b> If stimulus Treasury Account Symbol (TAS) is used on a construction requisition, work with the requesting program offices to confirm that the iron, steel, and manufactured goods used were American made.</p> <p><b>Contracting Officers:</b>  <b>Manual (short-term):</b> Manually insert the clauses into any solicitation or new construction award that will use ARRA funds.  <b>Planned (long-term):</b> The clauses will eventually (likely within three months) be loaded into the Integrated Acquisition System (IAS) clause database for selection and inclusion.</p>
2009-009	Reporting Requirements  Agencies: Report on obligations and expenditures made using ARRA funds  Vendors: Report on invoices sent which use ARRA funds	New subpart 4.15 52.204-11	<p><b>Manual (short-term):</b>  <b>Clauses:</b> Manually insert corresponding clauses into any solicitation or award that will use ARRA funds. As many pieces of data as possible will be sent from IAS to Federal Procurement Data System – Next Generation (FPDS-NG). Other data elements, as well as additional information, may need to be reported. It is undetermined at this time how first tier subcontract data will be provided in the short-term.</p> <p><b>Planned (long-term):</b>  <b>Clauses:</b> Clauses will eventually (likely within three months) be loaded into the IAS clause database for CO selection and inclusion.  <b>Data Elements:</b> All data elements will be sent from IAS to FPDS-NG and will be sent to USASpending.gov from there. It is unclear at this point if data elements can be sent from IAS to Recovery.gov via FPDS-NG. Invoice data elements will be pulled from the financial system and will be reported. It is undetermined at this time how first tier subcontract data will be provided in the long-term.</p>
2009-010	Publicizing Contract Actions (pre-solicitation notices, pre-award notices over \$25,000, FPDS-NG, identify non Fixed Price and Competitive awards)		<p><b>Manual (short-term):</b>  <b>Contracting Officers:</b> Identify all pre-solicitation notices, solicitations and awards funded wholly or partially by ARRA funds by manually, including the word “Recovery” in the title of the document. COs should complete all additional fields, if any, required by the Federal Business Opportunities System (FBO) and FPDS-NG. You will be prompted for these fields when the action is sent from IAS.</p> <p><b>Planned (long-term):</b>  <b>Contracting Officers:</b> COs must set a flag in IAS identifying actions that are funded wholly or partially by ARRA funds. IAS will then automatically append the word “Recovery” to those actions sent to FBO. IAS will capture some of the ARRA data needed by FPDS-NG and will automatically send that data when it sends the IAS record to FPDS-NG. At this time it is undetermined what the long-term system solution will be for sending information about actions that are not fixed-price or competitive to Recovery.gov. It may come directly from USASpending.gov or it may come from agencies’ procurement systems.</p>
2009-011	GAO/IG Access (Government Accountability Office / Inspector General)	52.212-5 52-214-26 52.215-2	<p><b>Manual (short-term):</b>  <b>Contracting Officers:</b> Manually insert the clauses into any solicitation or new construction award if the resulting award will use ARRA funds.</p> <p><b>Planned (long-term):</b>  <b>Contracting Officers:</b> The clauses will eventually (likely within three months) be loaded into the IAS clause database for selection and inclusion. May require providing GAO/IG access for subcontracts not stored in IAS.</p>
2009-012	Whistleblower – Job protection for programs using ARRA funds	52.203-15	<p><b>Manual (short-term):</b>  <b>Contracting Officers:</b> Manually insert the clauses into any solicitation or new award that will use ARRA funds.</p> <p><b>Planned (long-term):</b>  <b>Contracting Officers:</b> The clauses will eventually (likely within three months) be loaded into the IAS clause database for selection and inclusion.</p>